

ARTICLE 3: DECISION MAKING AND ADMINISTRATIVE BODIES

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§ 300 PURPOSE.

This article describes the organization, powers and duties of the offices responsible for the administration of this Code.

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§ 301 CITY COUNCIL.

301.01 Duties. The Council is the legislative body for the city and has the following powers and duties under these regulations:

A. Hearing, reviewing and acting on amendments to this Code and the Zoning Map;

B. Hearing, reviewing, and acting upon applications for preliminary and final subdivision plat approval;

C. Hearing, reviewing, and acting upon appeals of decisions of the Commission;

D. Hearing, reviewing, and acting on amendments to the Sedona Community Plan;

E. Hearing, reviewing and acting on requests for special exceptions from the provisions of this Code;

F. Taking other action the Council deems desirable and necessary to implement the provisions of these regulations and applicable Arizona law.

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§ 302 PLANNING AND ZONING COMMISSION.

302.01 Duties. The Commission has the following powers and duties:

A. Hearing, reviewing, and making recommendations to the Council regarding amendments to all articles of this Code, except Article 8, Grading and Drainage;

B. Hearing, reviewing, and acting on development review applications;

C. Hearing, reviewing, and acting on applications for conditional use permits;

D. Hearing, reviewing, and acting on appeals of decisions of the Director for temporary use permits and development review applications;

E. Hearing, reviewing, and making recommendations to the Council regarding rezoning applications;

F. Hearing, reviewing, and making recommendations to the Council regarding subdivision plat applications;

G. Hearing, reviewing, and making recommendations to the Council regarding amendments to the Sedona Community Plan;

H. Exercise other powers that may be lawfully granted by the Council with respect to this Code.

302.02 Commission's Time to Act.

A. A public hearing shall be set on any amendment to this Code, the Zoning Map or any other map adopted pursuant to this Code, including a rezoning application, within 120 days after the application has been filed with the city. The Commission shall act on such amendment within 45 days of the public hearing.

B. Within 90 days after the filing with the city of any other application or request described or permitted by this Code, the Commission shall consider and, if required, hold a public hearing on such application or request. The Commission shall act on such application or request within 45 days of the consideration and any necessary public hearing.

C. Upon receipt of a recommendation from the Historic Preservation Commission regarding designation as a Historic District, the Planning and Zoning Commission shall use its procedures to approve, conditionally approve or deny the application within 30 days, and pass on its recommendation to the City Council.

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§ 303 HISTORIC PRESERVATION COMMISSION.

303.01 Duties. The Commission has the following powers and duties:

A. Maintain and periodically update, as needed, a plan for historic preservation.

B. Maintain review criteria to assure fair and impartial evaluation and designation of properties as Landmarks and Historic Districts. The Commission shall periodically review these criteria and make such adjustments or updates as may be required.

C. Maintain criteria to assure fair and impartial review of applications for Certificate of Appropriateness. Such criteria shall be subject to review by the Planning and Zoning Commission and ratification by the City Council.

D. Review properties proposed for designation as landmarks, explain to the owners thereof the potential effects of designation as known to the Commission at that time and make a decision to designate, conditionally designate, or deny designation.

E. Review property nominations for designation as a Historic District, explain to the owners thereof the potential effects of designation as known to the Commission at that time and make recommendations regarding rezoning to a Historic District to the Planning and Zoning Commission and City Council.

F. Establish design guidelines appropriate to individual Historic Districts.

G. Review and approve, conditionally approve or deny applications for a Certificate of Appropriateness.

H. Maintain the Historic Property Register.

I. Determine and cause to be created a system of markers for designated properties.

J. Recognize the owners of designated properties, issue commendations to owners of historical properties who have rehabilitated their property in an exemplary manner.

K. Make recommendations to the City Council regarding the acquisition of property suitable for preservation. Such acquisition may include the purchase or acceptance of donated property.

L. Make recommendations to the City Council regarding the utilization of federal, state, city or private funds to promote historic preservation.

M. Make recommendations to the City Council to accept gifts, grants, funds, contributions, and bequests from individuals and public and private entities, agencies, foundations, trusts, corporations, and other organizations or institutions.

N. Cooperate with and enlist the assistance of persons, organizations, foundations and public agencies in matters involving historic preservation, renovation, rehabilitation and reuse, with City Council approval as appropriate.

O. Increase public awareness of the values of historic, cultural, archaeological and architectural preservation, by developing and participating in public education programs.

P. Annually prepare written reports of Commission activities; submit such reports to the City Council and the State Historic Preservation Office (SHPO). These reports shall be available for public review.

Q. Conduct detailed studies and surveys of properties and areas and assess their potential for designation.

R. Periodically review the Historic Resource Survey and consider the inclusion of any properties, which may have come to meet the requirements herein, and the deletion of any properties which may no longer exist.

S. Work with and assist departments of the city in matters affecting historic preservation.

T. Assist property owners, on request, on the restoration, rehabilitation, alteration, decoration, landscaping, or maintenance of any historic property.

U. Encourage and assist property owners of historic properties on procedures for inclusion on state historic listings and the National Register of Historic Places.

V. Carry out such other duties as may be determined by the City Council, and present other such recommendations as may be deemed pertinent.

303.02 Commission's Time to Act.

A. Upon receipt of a complete application, or initiation by the Historic Preservation Commission, after

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discussion with the property owner, for the designation of a Landmark or Historic District, the Chairperson of the HP Commission shall place it on the agenda for a public hearing within 60 days to consider the designation. The Chairperson shall cause notice to be delivered in person or sent by certified mail to the owner(s) of the property announcing the hearing, not later than 15 days preceding said hearing.

B. Upon receipt of a complete application for a Certificate of Appropriateness, the Chairperson of the HP Commission shall place it on the agenda for a public hearing within 30 days.

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§ 304 BOARD OF ADJUSTMENT.

304.01 Duties. The Board has the following powers and duties:

A. Hearing, reviewing, and acting on applications for variance from all articles of this Code, except Articles 7 and 8:

1. The power to grant variances does not extend to land use regulations;

2. The Board may not grant a variance if the special circumstance applicable to the property is imposed by the property owner or applicant;

B. Hearing, reviewing, and acting on appeals from the decisions of the Director regarding an interpretation of this Code;

C. A decision of the Board on a variance application may be appealed to the Superior Court by the applicant or any other aggrieved person as prescribed in A.R.S. § 9-462.06;

D. Hearing, reviewing and acting upon any property owner appeal pursuant to § 404.09 of this Code and A.R.S. §§ 9-500.12 and 9-500.13, or any successor statutes;

E. Exercise other powers that may be lawfully granted by the Council with respect to this Code.

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§ 305 DEPARTMENT OF COMMUNITY DEVELOPMENT.

305.01 Organization. The Department shall consist of city staff as required for the administration and enforcement of this Code. The Director or his or her designated representative shall serve as the Zoning Administrator for the city.

305.02 Duties. The Department has the following powers and duties:

A. Providing information and assistance to the public in the interpretation and administration of all articles of this Code, except Article 8, Grading and Drainage;

B. Interpreting and administering the zoning and subdivision regulations (and related policies);

C. Establishing forms, procedures and acceptance and accounting of fees for the administration and review of rezoning applications, text amendments, conditional use permits, development review applications, temporary use permits, variance applications, subdivision plats, administrative waivers, and appeals;

D. Conducting pre-application conferences with and providing advice to applicants for rezonings, conditional use permits, development review, temporary use permits, administrative waivers, variances and subdivision plats;

E. Accepting, reviewing and making recommendations regarding rezonings, text amendments, conditional use permits, development review applications, variances, temporary use permits, administrative waivers, and appeals;

F. Approving or denying development review applications as applicable;

G. Approving or denying administrative waivers;

H. Reviewing permit requests to confirm compliance with applicable provisions of this Code;

I. Administering, reviewing, and distributing subdivision applications and preparing a written report on the application for submittal to the Commission;

J. Providing staff to assist the Council, the Commission, and the Board in the execution of their duties under these regulations and facilitating all public hearings requirements necessary under the provision of this Code;

K. Providing published and posted notices of hearings and appeals;

L. Enforcing the provisions of this Code.

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§ 306 DIRECTOR OF COMMUNITY DEVELOPMENT.

A. The Director of Community Development is appointed by, reports to and serves at the pleasure of the City Manager.

B. The Director of Community Development is the head of the Department of Community Development, in accordance with A.R.S. § 9-461.03 (as may be amended). His duties involving planning, zoning and building, and as Zoning Administrator pursuant to A.R.S. § 9-462.05 (as may be amended) include:

1. Reviewing building plans, comparing plans with ordinances, codes, specifications and regulations, and directing and enforcing compliance;

2. Reviewing subdivision and master plan, zoning, rezoning and variance applications; comparing these with the Sedona Community Plan, with zoning ordinances, codes and regulations; and directing and enforcing compliance;

3. Preparing the agenda and presentations for the Commission and, as an expert advisor, attending all Commission and necessary Council meetings;

4. Directing office analyses of building permit applications and field inspections; issuing building and grading permits; managing the building safety function;

5. Establishing and directing department policies, procedures and operations and informing the City Manager of all departmental activities through written and oral reports;

6. Conferring with federal, state, county and special district agencies on technical planning, zoning and building issues, in accordance with A.R.S. § 9-461.12 and other applicable statutes, and informing the Commission and Council through written and oral reports;

7. Preparing, administering and performing quality control of the annual departmental budget;

8. Continuously evaluating land uses, land use balance criteria, zoning criteria, building practices and procedures, and recommending to the Commission and Council modification of ordinances, codes and regulations essential for community development;

9. Producing, administering and maintaining the City of Sedona Community Plan in accordance with A.R.S. §§ 9-461.05 *et seq.*;

10. Considering and granting where appropriate in the Director's sole discretion requests for reasonable accommodations under the federal Fair Housing Act (42 U.S.C. 3604(f)(3)(B)), the federal Americans with Disabilities Act (42 U.S.C. 12101, *et seq.*), the Arizona Fair Housing Act (A.R.S. § 41-1491.19(E)(2)) and any other similar and binding federal or state law, when such accommodations may be necessary to afford individuals with disabilities equal opportunity to use and enjoy a dwelling unit;

11. Monitoring and negotiating with Coconino and Yavapai County Planning, Zoning and Building Department counterparts on issues in extraterritorial areas, in accordance with A.R.S. § 9-461.11;

12. Performing related planning, zoning, and building duties as directed by the City Manager and the Council.

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§ 307 CITY ENGINEER.

A. The City Engineer shall be appointed by, report to and serve at the pleasure of the City Manager.

B. The Engineer is responsible for all city streets and associated improvements and civil engineering and shall perform such duties as may be required of him by law and such other duties as directed by the Council and City Manager. The City Engineer shall head the Engineering Department of the city and shall be responsible for the following under the direction of the City Manager:

1. Operation of the Office of Wastewater Management;

2. General city mapping, including utility lines, streets and roads, bridges, washes and other natural and man-made features;

3. Planning and coordination of public work projects;

4. Issuance and inspection for permits to work in city right-of-way;

5. Management and supervision of the street maintenance and rehabilitation program, including contract administration;

6. Development of capital improvement plans for a street network and a drainage master plan and improvements;

7. Responding to citizen complaints regarding roads, drainage problems, and the like;

8. Planning and implementation of property address system;

9. Review of development proposals for compliance with city engineering standards, including the interpretation and administration of Article 8, Grading and Drainage;

10. Development and updating of standard public works specifications and details for the city;

11. Coordination of flood management studies and drainage improvement projects;

12. Other duties and responsibilities as may be lawfully assigned by the City Council and City Manager.

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§ 308 PROJECT REVIEW COMMITTEE.

308.01 Organization. The Project Review Committee shall consist of the Director and City Engineer and/or their authorized representatives and may also include at their discretion, other city officials, representatives of other governmental agencies and/or utility companies who may participate on a cooperative basis.

308.02 Duties. The Project Review Committee reviews applications and prepares recommendations appropriate to the review procedures of Article 4, Article 7 (Subdivision Regulations and Land Divisions), and Article 8 (Grading and Drainage) of this Code.
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